

EXHIBIT 4



August 2, 2023

Ramón Coto-Ojeda*

—

**Also admitted to the District of Columbia Bar*

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MATTER: In re: The Financial
Oversight and Management Board for
Puerto Rico, Case No. 17-3283 (LTS);
"LIFT STAY NOTICE FOR CASE NO. 13-
1360 (ADC), ROBERT ANEL DÍAZ-MORALES
V. LIMARIS CRUZ-VÉLEZ, ET AL."

Dear all:

On May 5, 2023, we sent a communication to your offices informing you of our intention to request the lifting of the stay imposed by the United States District Court of Puerto Rico ("USDC-PR") on the claim presented by Mr. Robert Anel Díaz-Morales ("Mr. Díaz Morales"). As you may recall, through that action, the procedural process of which is outlined in detail in our previous communication, Mr. Díaz Morales claimed against various public officials who were involved in the proceedings against him for being falsely and unjustly accused, convicted, and incarcerated for a period of 8 and a half years.

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In this regard, you will also recall that initially, the USDC-PR denied the request of the defendants to stay the proceedings, because the Commonwealth was not named as a party in the lawsuit. This Court's decision was appealed to the United States Court of Appeals for the First Circuit, which affirmed the inapplicability of the stay enjoyed by the Commonwealth against its creditors under PROMESA. However, following a ruling by Judge Swain that the stay provisions of PROMESA were applicable to the Commonwealth officials, on April 13, 2022, the USDC-PR extended the automatic stay to Mr. Díaz Morales' claim.

After outlining the legal reasons for the lift of the stay applied to Mr. Díaz Morales' claim, we sincerely requested to schedule an in-person meeting with you to reach a fair resolution to the claim of a person who was harmed by an unjust and erroneous judicial decision. However, to our surprise, on July 31, 2023, we received your objection to Proof of Claim number 46107, and you based it on the following:

"Proof of Claim fails to provide a basis for asserting a claim against the Commonwealth of Puerto Rico. Proof of Claim and supporting documentation only show liability between Claimant and individuals in their personal capacities, who are not part of the Title III proceedings."

Not only is the reason provided as the basis for your opposition erroneous and in bad faith, but it is also frivolous and reckless. You will recall that, at the state level, it was the Commonwealth that, under the provisions of PR Law No. 104 of 1955, the Claims and Demands against the State Act, 32 LPRA § 3077 *et seq.*, assumed the legal representation of the sued public officials and, furthermore, committed through a settlement agreement to indemnify Mr. Díaz Morales for the violations of his civil rights that arose as a result of his incarceration. At the federal level, it was the USDC-PR itself that acted based on its previous decision and extended the application of the stay to the actions of the officials sued by Mr. Díaz Morales.

Upon receiving the frivolous and reckless objection to Mr. Díaz Morales' Proof of Claim and acting in accordance with the good faith that has characterized Mr. Díaz Morales throughout the proceedings in various state and federal forums, on July 31, 2023, Counselor Gabriel A. Rosa-Cruz of Coto & Associates attempted to

reach Mr. Hermann Bauer by phone, but his secretary informed him that he was not available. Counselor Rosa-Cruz left his cell phone number, hoping that Mr. Bauer would get in touch to, at the very least, arrange an in-person meeting as soon as possible and reach a resolution. However, as of the date of this communication, neither Mr. Bauer nor his team have shown good faith or had the courtesy to respond to our various communications to resolve the issue at hand.

Finally, we remind you that this claim is not merely a collection effort by a creditor. Our client was deprived of his constitutional right to freedom and to have his innocence safeguarded beyond a reasonable doubt for eight and a half years. There is no doubt that the Commonwealth's officials, acting under color of law, violated Mr. Díaz Morales' rights, then a 21-year-old accounting major, and that our judicial system failed him in one of the worst ways imaginable. This resulted in him enduring incredible horrors during his incarceration, cutting short his youth, depriving him of enjoying the fruits of his efforts, and hindering for almost ten years his willingness to be a productive and law-abiding member of our society.

Based on the above, we request an in-person meeting on or before Friday, August 11, 2023, to reach an agreement regarding the compensation to which Mr. Díaz Morales is entitled for all the damage he has been forced to endure up to this day. Otherwise, we will proceed with our objection to your opposition of the Proof of Claim and submit our Motion to Lift Stay for the Court's consideration. Please feel free to get in touch with Counselor Rosa-Cruz via the contact information provided to Mr. Bauer's secretary or any of the addresses or phone numbers provided below.

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